

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SABELITA HAWKINS.

CASE NO. C16-0498JLR

Plaintiff,

ORDER GRANTING IN PART
AND DENYING IN PART
STIPULATED MOTION

UNITED STATES OF AMERICA,
et al.,

Defendants.

I. INTRODUCTION

Before the court is the parties' stipulated motion to extend certain discovery deadlines. (Stip. Mot. (Dkt. # 11).) Having considered the stipulated motion, the relevant portions of the record, and the applicable law, the court **GRANTS** in part and **DENIES** in part the parties' stipulated motion.

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II. BACKGROUND & ANALYSIS

Plaintiff Sabelita Hawkins filed this lawsuit on April 6, 2016. (See Compl. (Dkt. # 1).) In their joint status report, the parties represented that the case would be ready for trial on August 21, 2017, and proposed a discovery cut-off 120 days before trial. (JSR (Dkt. # 7) at 2, 4.) In its scheduling order, the court set trial to begin on September 25, 2017, the dispositive motions deadline on June 27, 2017, the discovery cut-off on May 30, 2017, and the disclosure of expert testimony on March 29, 2017. (Sched. Order (Dkt. # 8) at 1.)

Pursuant to Federal Rule of Civil Procedure 16(b)(4), “[a] schedule may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “Good cause” for purposes of Rule 16 focuses on the diligence of the party seeking to modify the pretrial scheduling order. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607-08 (9th Cir. 1992). Parties must “diligently attempt to adhere to that schedule throughout the subsequent course of the litigation.” *Jackson v. Laureate, Inc.*, 186 F.R.D. 605, 607 (E.D. Cal. 1999); *see Marcum v. Zimmer*, 163 F.R.D. 250, 254 (S.D. W. Va. 1995). In part, the “good cause” standard requires the parties to demonstrate “the development of matters which could not have been reasonably foreseen or anticipated at the time of the Rule 16 scheduling conference.” *Jackson*, 186 F.R.D. at 608.

Further, the court’s scheduling order states that the dates are “firm” and that “[t]he court will alter these dates only upon good cause shown.” (Sched. Order at 2.) The scheduling order also states that “failure to complete discovery within the time allowed is not recognized as good cause.” (*Id.*)

1 The parties seek to continue the expert disclosure deadline by approximately one
2 month, the discovery cut-off by approximately one month, and the expert deposition
3 deadline by approximately one week. (*See* Stip. Mot. at 2.) They seek these
4 continuances because “there was a last-minute conflict arising from Plaintiff’s expert and
5 [the] related search for [a] replacement expert.” (*Id.* at 1-2.) However, the parties do not
6 explain why these events provide good cause for extending any deadline other than the
7 expert disclosure deadline. (*See generally id.* at 1-2); *Jackson*, 186 F.R.D. at 608.

8 In addition, the parties’ proposed schedule—with the exception of the one-month
9 extension of the expert disclosure deadline—contravenes the court’s practice of issuing
10 scheduling orders that provide a reasonable timeline for resolving disputes. First, the
11 court generally sets the discovery cut-off 30 days prior to the deadline for filing
12 dispositive motions and motions challenging expert testimony to ensure that the record is
13 complete when the court considers such motions. The parties’ proposed schedule is not
14 consistent with that practice. Second, the court expects the parties to complete all
15 discovery by the discovery cut-off. In light of this principle, the court did not set an
16 expert deposition deadline of August 30, 2017—three months after the discovery
17 cut-off—as the parties represent to the court. (*See generally* Sched. Order; Stip. Mot. at
18 2.)

19 **III. CONCLUSION**

20 For these reasons, the court GRANTS in part and DENIES in part the parties’
21 stipulated motion (Dkt. # 11). The court GRANTS the parties’ motion to extend their
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1 expert disclosure deadline to April 30, 2017, but DENIES the parties' motion to extend
2 the discovery cut-off and other discovery-related dates.

3 Dated this 17th day of March, 2017.

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7 JAMES L. ROBART
8 United States District Judge
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